IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 15937 of 1996

Between:

1. Garapati Krishna Murthy, S/o. Balaiah,
   R/o Ankampalem (V), Atreyapuram Mandal,
   E.G.District and 18 others.

....PETITIONERS

AND

1. The District Collector,
   East Godavari District, Kakinada
and four others.

...RESPONDENTS

* * *

ORDER:

The case, in brief, of the petitioners is that an extent of Ac.0-03 cents in S.No.189 which was earlier a drainage channel has been filled up, and was made the connecting road of the roads from Podalada to Rajavaram and Ankampalem to Narkedmilli and is being used as such, but the respondents, yielding to the influence brought on them by the political leaders, are trying to assign that extent to third

parties, and thereby causing hardship to them and to other villagers also, and so a direction to respondents not to assign that Ac.0=03 cents of land to anybody may be given.

2. In the counter-affidavit of the Mandal Revenue Officer (3rd respondent), filed on behalf of respondents, it is alleged that a patta was granted to Smt.R.Gangaratnam in respect of Ac.0-02 cents in R.S.No.260/1 after following the procedure prescribed. Thereafter she made a request to alter the S.No. mentioned in her patta from R.S.No.261 to R.S.No.189, whereupon several objections were received. Since the land in S.No.189 is classified as L.F. road margin, petitioners are not entitled to any relief.

3. Since even as per the counter affidavit of the 3rd respondent, filed on behalf of the respondents, land in S.No.189 is a L.F. road margin, in view of the definition of ' Public Road' in Section 2 (22) of the Panchayat Raj Act, the same would be a 'public road'. Since Section 96 of the Panchayat Raj Act prohibits any obstruction on public road and since the file produced by the learned Assistant Government Pleader shows that number of villagers made complaints regarding assignment of any part of S.No.189 to anybody, it is clear that assignment of any part of land in S.No.189 would not be in public interest, and so respondents cannot assign any part of R.S.No.189 of Ankampalem village to anybody, and so they are directed not to assign any part of the land in R.S.No.189 of Ankampalem village to anybody.

4. The writ petition is, accordingly, disposed of. No costs.

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C.Y.SOMAYAJULU, J.

Date: 27th October 2005

BSB